

AFFIDAVIT OF BROCK JOHANSEN

STATE OF UTAH)
 : ss.
COUNTY OF EMERY)

I, Brock Johansen, having been duly sworn, do state and affirm as follows:

1. I am the Chief Executive Officer and General Manager of Carbon/Emery Telcom, Inc. (“Carbon/Emery”). I have been employed by Carbon/Emery in that capacity since 2005.

2. I have a Bachelor’s of Science in Business Management and a Juris Doctorate from Brigham Young University.

3. I have personal knowledge of the technical details of Carbon/Emery’s local exchange service, interconnection arrangements with wireless companies, and regulatory requirements associated with provision of local service. Additionally, I have personal knowledge of call path detail, access billings, call data, and non-regulated broadband services provided by Carbon/Emery and its non-regulated affiliates.

4. Carbon/Emery is a rural local exchange provider whose local exchange service is regulated by the Utah Public Service Commission. Carbon/Emery is the only carrier authorized in Carbon County, Utah to provide local land line (wire line) service.

5. Bryan Martin, 8x8’s Chairman and CEO indicates in his Affidavit that 8x8 purchases telecommunications services from regulated telecommunications carriers and uses those telecommunications services as an “input” for 8x8’s interconnected VoIP services offering. However, 8x8 does not, and has not purchased any telecommunications services from Carbon/Emery.

6. 8x8 states that “one component of the telecommunications services that 8x8 purchases from licensed telecommunications providers is connectivity to the public switched telephone network through telephone numbers and telecommunications services that support the

use of telephone numbers.” 8x8 has not purchased any telephone numbers or telecommunications services that support the use of telephone numbers from Carbon/Emery.

7. 8x8 is not obtaining local telephone numbers or connectivity to the public switched network from Carbon/Emery, though Carbon/Emery is the only carrier authorized in the State of Utah to provide local service in Carbon County, Utah.

8. Nomadic VoIP providers are not entitled to obtain local numbers from the local exchange provider unless and until they have been certificated by the Utah Public Service Commission, and have entered into a Local Traffic Exchange Agreement with the local exchange provider. Therefore, all customers in Carbon/Emery’s local exchanges who use nomadic VoIP carriers have a long distance number that provides their connectivity to the public switched telephone network.

9. 8x8 and its customer, Parkway Dental, are using a local telephone number, (435) 472-5556 to access the public switched telephone network.

10. Prior to March 20, 2012, this telephone number was a Carbon/Emery local number assigned to Parkway Dental. This was one of five business lines purchased by Parkway Dental from Carbon/Emery.

11. On or about February 8, 2012, Parkway Dental terminated all but one business line with Carbon/Emery. Call detail records that Carbon/Emery was able to review indicate that from February 8, 2012 to March 20, 2012 Parkway Dental utilized its one business line with Carbon/Emery to forward all incoming calls to 8x8 for termination to Parkway Dental pursuant to a fixed VoIP service provided by 8x8 to Parkway Dental. This permitted Parkway Dental and 8x8 to eliminate all business lines, but one from Carbon/Emery, while aggregating local traffic on the one remaining business line for termination to Parkway Dental.

12. The remaining business line that was being utilized to aggregate the local traffic, was forwarding the calls to an 8x8 number in Richfield, Utah, which is outside Carbon/Emery's service territory. Thus, this call forwarding scheme resulted in toll charges to Parkway Dental.

13. On or about March 20, 2012, Parkway Dental requested that its one remaining business number be ported from Carbon/Emery to Verizon Wireless.

14. On or about March 20, 2012, Carbon/Emery ported the telephone number for Parkway Dental to Verizon Wireless, as required by law.

15. Placing a call to the (435) 472-5556 number connects callers to Parkway Dental's business office in Price, Utah. Thus, all calls to Parkway Dental from the Carbon/Emery extended service areas, are local calls.

16. Parkway Dental and 8x8 are using this Verizon Wireless phone number to obtain connectivity to the public switched telephone network, and the Verizon number is being improperly used to transit local traffic to 8x8 in Richfield, Utah.

17. 8x8 is engaging in an improper scheme to avoid mutually exchanging local traffic with Carbon/Emery.



Brock Johansen

Subscribed and sworn to before me this 5th day of October, 2012.



Notary Public

My Commission Expires:

06-07-2013

